

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ONE WISCONSIN INSTITUTE, INC.,  
CITIZEN ACTION OF WISCONSIN EDUCATION  
FUND, INC., RENEE M. GAGNER,  
ANITA JOHNSON, CODY R. NELSON,  
JENNIFER S. TASSE, SCOTT T. TRINDL,  
MICHAEL R. WILDER, JOHNNY M. RANDLE,  
DAVID WALKER, DAVID APONTE, and  
CASSANDRA M. SILAS,

Plaintiffs,

v.

ORDER

15-cv-324-jdp

MARK L. THOMSEN, ANN S. JACOBS,  
BEVERLY R. GILL, JULIE M. GLANCEY,  
STEVE KING, DON M. MILLS,  
MICHAEL HAAS, MARK GOTTLIEB, and  
KRISTINA BOARDMAN,  
*all in their official capacities,*

Defendants.

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JUSTIN LUFT, et al.,  
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

ORDER

20-cv-768-jdp

TONY EVERS, et al.,

Defendants.

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Both sides have submitted proposed schedules, as directed by the court. The parties agree on some dates, but others remain in dispute. The court will briefly explain how it resolved the primary disputes.

First, the court agrees with plaintiffs' proposed briefing schedule on the motion for leave to submit expert testimony: plaintiffs' motion is due September 13, 2021; defendants' response is due September 24, 2021; and plaintiffs' reply is due September 30, 2021. The court expects to issue a ruling on the motion by October 15, 2021.

Second, the court will not require plaintiffs to submit a final list of trial witnesses before discovery is completed, as defendants request. Rather, by October 1, 2021, the parties will exchange lists of witnesses whom they expect to call at trial. The court expects the parties to narrowly tailor their lists based on the information that they have at the time, but the parties may further narrow the list as new information becomes available up until December 31, 2021, when they must submit their list of trial witnesses to the court. The final list should not include any fact witnesses not in the October lists.

Third, if the court grants the parties leave to file expert reports, plaintiffs' expert report will be due on November 2, 2021. Defendants' reports will be due on November 15, 2021, which should give defendants 30 days to prepare a report after the court issues its ruling. Plaintiffs' reply will be due on November 29, 2021.

Fourth, all discovery—both fact and expert—will be completed by December 17, 2021.

Fifth, the parties are to exchange proposed stipulated facts by December 31, 2021. That date allows the parties to exchange facts after discovery is completed but with enough time remaining to adequately prepare for trial.

Sixth, motions in limine and trial exhibits are due on January 10, 2022. Responses to motions in limine and objections to exhibits and witnesses are due on January 17, 2022.

The parties will file their stipulated facts to the court by January 17, 2022. The court will leave it to the parties to determine how and when to confer with each other before submitting their stipulated facts.

A final pretrial conference will be held on February 3, 2022, at 3:00 p.m. The court trial remains set for February 10 and 11, 2022.

Entered August 18, 2021.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge